



8/22 Glenn S, ~~Larry E~~ Jim Janssen 144974
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN STREET
CHICAGO, IL 60604

AUG 13 1991

REPLY TO THE ATTENTION OF:
~~RAH~~
Rob Wat

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J.L. Gary, General Manager
Chemical Waste Management
Trade Waste Incineration Division
7 Mobile Avenue
Sauget, Illinois 62201-1069

1631210009 - SAUGET
Re: Off-Site Policy Determination
Trade Waste Incineration (CWM)
ILD 098 642 424

~~RCRA PERMIT FILE~~

Dear Mr. Gary:

On November 5, 1985, the United States Environmental Protection Agency (U.S. EPA) established "The Procedures for Planning and Implementing Off-site Response Actions" (Off-site Policy). The purpose of the Off-site Policy is to avoid having Superfund generated wastes contribute to present or future environmental problems by directing these wastes to facilities which are environmentally sound.

Section 121(d)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the 1986 Superfund Amendments and Reauthorization Act (SARA), adopted and modified the U.S. EPA policy for off-site transfer of CERCLA wastes, requiring that facilities which receive wastes as a result of CERCLA activities be in compliance with §§ 3004 and 3005 of the Resource and Conservation and Recovery Act (RCRA), and all applicable State and Federal requirements. In addition, there must be no releases of hazardous waste or hazardous waste constituents from the unit receiving the waste, and all such releases from other units at the facility must be controlled by an enforceable corrective action program (detailed in a permit, order, or consent decree). On November 13, 1987, U.S. EPA revised the procedures for implementing the Off-site Policy in light of the mandates of SARA.

The purpose of this letter is to notify you that Trade Waste Incineration (CWM) facility has conditions that render it unacceptable for receipt of off-site CERCLA (Superfund) waste RECEIVED
This finding is based on the January 25, 1991, explosion of an ash roll-off box from the No. 4 Incinerator. On January 25, AUG 19 1991

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1991, an explosion occurred in an ash roll-off box from Incinerator No. 4 four hours after the roll-off box had been filled and moved to a location between the employee building and Building 6. Sodium azide waste was being incinerated in Incinerator No. 4 earlier in the day when the ash which exploded was being generated. Ash from the explosion was spread as far as 100 feet from the roll-off box. These circumstances constitute relevant violations of RCRA regulations and Clean Air Act standards and a relevant release of hazardous substances that render the TWI facility incapable of safely handling CERCLA waste in Incinerator No. 4. Accordingly, U.S. EPA has determined that Incinerator No. 4 is unacceptable to receive off-site transfers of CERCLA waste generated under both pre-SARA and post-SARA decision documents. This determination of unacceptability is immediately effective upon your receipt of this Notice. Implementation of this Notice does not preclude appropriate enforcement action by U.S. EPA or the State of Illinois under relevant Federal and/or State laws. Since the results of any such violation cannot be physically undone, the determination of unacceptability will remain in effect until, among other things, all legal proceedings, punitive actions and other obligations related to such violations are resolved. It may be determined that any violations associated with the January 25, 1991, incident will require entry of a legally enforceable document to resolve this unacceptability determination.

You may recall that representatives of TWI met with U.S. EPA on May 7, 1991, in Chicago, Illinois, for an informal conference to discuss off-site policy issues. During that meeting, a representative of TWI stated that TWI was still investigating the January 25, 1991, explosion at Incinerator No. 4's ash roll-off box, and when the investigation was complete, TWI would send a copy of its investigation report to U.S. EPA and the Illinois Environmental Protection Agency. To date, U.S. EPA has not received a copy of this investigation report, and requests that TWI forward a copy of this report to Dan Bakk at the above address.

On April 11, 1991, you received a letter from the United States Environmental Protection Agency (U.S. EPA) notifying you, among other issues, that Trade Waste Incineration (CWM) may have conditions that render it unacceptable for receipt of off-site CERCLA (Superfund) waste. The April 11, 1991, letter advised you that an inspection of your facility conducted on February 20, 21, and 28, 1991, revealed the following RCRA Class I violations:

40 CFR 264.171

If a container holding hazardous waste is not in good condition or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good

condition or manage the waste in some other way that complies with the requirements of this part. During this inspection, a container was observed to be leaking and no action was taken to comply with this part.

40 CFR 268.7(a)(4)(ii)

If a generator is managing a prohibited waste in tanks or containers regulated under 40 CFR 262.34, and is treating such waste in such tanks or containers to meet applicable treatment standards under Subpart D of this part, the generator must develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on-site in the generator's records, and the following requirements must be met:

...plan must be filed with the EPA Regional Administrator (or his designated representative) or State authorized to implement Part 268 requirements a minimum of 30 days prior to the treatment activity, with delivery verified.

The waste analysis plan has not been filed in accordance with this part.

40 CFR 268.150(c)

The owner/operator of a hazardous waste treatment, storage or disposal facility may store land disposal restricted wastes for longer than one year if the accumulation is necessary to facilitate proper recovery, treatment, or disposal. Approximately fifty drums of material were observed to be in violation of this part.

With respect to the above-mentioned violations, TWI has not provided U.S. EPA with information that would allow U.S. EPA to determine that TWI has returned to full physical compliance with the requirements of RCRA. Therefore, U.S. EPA, Region V, has

determined the following: TWI's Incinerators Nos. 2 and 3 are unacceptable to receive CERCLA (Superfund) waste pursuant to U.S. EPA's off-site policy due to failure to resolve the violation of 40 CFR 264.171; TWI's Incinerators Nos. 1, 2, 3 and 4 are unacceptable to receive CERCLA (Superfund) waste pursuant to U.S. EPA's off-site policy due to failure to resolve the violation of 40 CFR 268.7(a)(4)(ii); and TWI's Incinerators Nos. 1, 2, 3 and 4 are unacceptable to receive CERCLA (Superfund) waste pursuant to U.S. EPA's off-site policy due to failure to resolve the violation of 40 CFR 268.150(c). This final determination of unacceptability is effective upon receipt of this letter.

This letter regarding final determinations of unacceptability supplements the letter to TWI from U.S. EPA, dated April 11, 1991, regarding unacceptability of Incinerators Nos. 1, 2, 3, and 4 at TWI. (Please see the enclosed copy.) Acceptability at TWI may be restored when all conditions for determining full physical compliance are met, including the resolution of all legal proceedings, punitive actions, and other obligations related to the violation that cannot be undone. In the event that TWI is not able to resolve this matter with the State of Illinois, U.S. EPA will be available to negotiate a Consent Decree or Consent Agreement and Final Order with TWI.

You may submit a request to review this unacceptability determination to the Regional Administrator, Valdas V. Adamkus, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Such a request must be made within 10 calendar days after receipt of this notice. The Regional Administrator, at his discretion, may agree to review the determination. Such a review by the Regional Administrator, if agreed to, will be conducted within 60 calendar days of this letter, if possible, but the review will not stay the effective date of the determination.

This letter is being sent by both certified and first class mail, in order to ensure that you receive it promptly. If you wish to discuss the enforcement issues, call Dan Bakk at (312) 886-3781. Please contact Ms. Gertrud Matuschkovitz, Off-site Coordinator, at (312) 353-7921 if you have any questions regarding the Off-site Policy.

Sincerely yours,

ORIGINAL SIGNED BY
DAVID A. ULLRICH
David A. Ullrich
Director
Waste Management Division

cc: Mary Gade, IEPA
/ William Radlinski, IEPA

Doug Clay, IEPA
Mike Grant, Collinsville Office

William Ingersoll
Assistant Attorney General
Illinois Attorney General's Office
Environmental Division
500 South Second Street
Springfield, Illinois 62706

William Child, Manager
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62794-9276

Bharat Mathur, Manager
Division of Air Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62794-9276

Edward Kenney, Esquire
Chemical Waste Management, Inc.
3001 Butterfield Road
Oak Brook, Illinois 60521

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